

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Bobby Swindell**

**Docket No. 5:06-CR-38-1FL**

**Petition for Action on Supervised Release**

COMES NOW Josh J. Cantafio, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Bobby Swindell, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge on April 18, 2007, to the custody of the Bureau of Prisons for a term of 92 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Bobby Swindell was released from custody on February 25, 2014, at which time the term of supervised release commenced.

On November 10, 2014, the court approved a Petition for Action on Supervised Release ordering the defendant to participate in a Cognitive Behavior Program as the result of a positive drug test. Additionally, on November 16, 2015, as a result of a positive drug test, the court approved a Petition for Action on Supervised Release ordering the defendant to abstain from the use of alcohol and home confinement for a period of 60 days.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On April 18, 2016, Swindell submitted to urinalysis that resulted positive for cocaine. On May 3, 2016, the undersigned probation officer confronted the defendant regarding the violation. Swindell signed an admission form indicating he last used cocaine on or about April 16, 2016. The defendant apologized for his conduct and had difficulty explaining his actions.

Swindell has continued to make progress during the term of supervision. He has maintained gainful employment, attended sex offender treatment as instructed, and has not received any new charges. However, it is obvious the defendant continues a lifelong struggle to avoid substance abuse addiction. As a result of the positive drug test, the defendant has been referred for additional substance abuse counseling at PORT Human Services in New Bern, North Carolina.

As a sanction of the violation, the probation officer respectfully recommends the conditions of supervised release be modified to include a 120-day term of home confinement, with location monitoring. In consideration of the defendant's financial status, it is recommended the government pay for the monitoring service.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 120 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The government shall pay for the monitoring services.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Josh J. Cantafio  
Josh J. Cantafio  
U.S. Probation Officer  
413 Middle Street, Room 304  
New Bern, NC 28560-4930  
Phone: 252-638-4944  
Executed On: May 3, 2016

**ORDER OF THE COURT**

Considered and ordered this 4th day of May, 2016 and ordered filed and  
made a part of the records in the above case.



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Louise W. Flanagan  
U.S. District Judge